

LEXSTAT 10 USC 2911

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\*\*\* CURRENT THROUGH P.L. 110-6, APPROVED 2/26/2007 \*\*\*

TITLE 10. ARMED FORCES  
SUBTITLE A. GENERAL MILITARY LAW  
PART IV. SERVICE, SUPPLY, AND PROCUREMENT  
CHAPTER 173. ENERGY SECURITY  
SUBCHAPTER I. ENERGY SECURITY ACTIVITIES

*10 USCS § 2911*

§ 2911. Energy performance goals and plan for Department of Defense

(a) Energy performance goals.

(1) The Secretary of Defense shall submit to the congressional defense committees the energy performance goals for the Department of Defense regarding transportation systems, support systems, utilities, and infrastructure and facilities.

(2) The energy performance goals shall be submitted annually not later than the date on which the President submits to Congress the budget for the next fiscal year under section 1105 of title 31 [31 USCS § 1105] and cover that fiscal year as well as the next five, 10, and 20 years. The Secretary shall identify changes to the energy performance goals since the previous submission.

(b) Energy performance plan. The Secretary of Defense shall develop, and update as necessary, a comprehensive plan to help achieve the energy performance goals for the Department of Defense.

(c) Special considerations. For the purpose of developing and implementing the energy performance goals and energy performance plan, the Secretary of Defense shall consider at a minimum the following:

- (1) Opportunities to reduce the current rate of consumption of energy.
- (2) Opportunities to reduce the future demand and the requirements for the use of energy.
- (3) Opportunities to implement conservation measures to improve the efficient use of energy.
- (4) Opportunities to pursue alternative energy initiatives, including the use of alternative fuels in military vehicles and equipment.
- (5) Cost effectiveness, cost savings, and net present value of alternatives.
- (6) The value of diversification of types and sources of energy used.
- (7) The value of economies-of-scale associated with fewer energy types used.
- (8) The value of the use of renewable energy sources.

(9) The potential for an action to serve as an incentive for members of the armed forces and civilian personnel to reduce energy consumption or adopt an improved energy performance measure.

(d) Selection of energy conservation measures.

(1) For the purpose of implementing the energy performance plan, the Secretary of Defense shall provide that the selection of energy conservation measures, including energy efficient maintenance, shall be limited to those measures that--

(A) are readily available;

(B) demonstrate an economic return on the investment;

(C) are consistent with the energy performance goals and energy performance plan for the Department; and

(D) are supported by the special considerations specified in subsection (c).

(2) In this subsection, the term "energy efficient maintenance" includes--

(A) the repair of military vehicles, equipment, or facility and infrastructure systems, such as lighting, heating, or cooling equipment or systems, or industrial processes, by replacement with technology that--

(i) will achieve energy savings over the life-cycle of the equipment or system being repaired; and

(ii) will meet the same end needs as the equipment or system being repaired; and

(B) improvements in an operation or maintenance process, such as improved training or improved controls, that result in energy savings.

(e) Goal regarding use of renewable energy to meet electricity needs. It shall be the goal of the Department of Defense--

(1) to produce or procure not less than 25 percent of the total quantity of electric energy it consumes within its facilities and in its activities during fiscal year 2025 and each fiscal year thereafter from renewable energy sources (as defined in section 203(b) of the Energy Policy Act of 2005 (*42 U.S.C. 15852(b)*)); and

(2) to produce or procure electric energy from renewable energy sources whenever the use of such renewable energy sources is consistent with the energy performance goals and energy performance plan for the Department and supported by the special considerations specified in subsection (c).

#### **HISTORY:**

(Added and amended Oct. 17, 2006, P.L. 109-364, Div B, Title XXVIII, Subtitle E, §§ 2851(a)(1), 2852, 120 Stat. 2489, 2496.)

#### **HISTORY; ANCILLARY LAWS AND DIRECTIVES**

Amendments:

2006. Act Oct. 17, 2006, added subsec. (e).

Other provisions:

**Department of Defense energy efficiency program.** Act Dec. 28, 2001, P.L. 107-107, Div A, Title III, Subtitle B, § 317, 115 Stat. 1054, provides:

"(a) Sense of Congress. It is the sense of Congress that the Secretary of Defense should work to implement fuel efficiency reforms that allow for investment decisions based on the true cost of delivered fuel, strengthen the linkage between warfighting capability and fuel logistics requirements, provide high-level leadership encouraging fuel efficiency, target fuel efficiency improvements through science and technology investment, and include fuel efficiency in requirements and acquisition processes.

"(b) Energy efficiency program. The Secretary shall carry out a program to significantly improve the energy efficiency of facilities of the Department of Defense through 2010. The Secretary shall designate a senior official of the Department of Defense to be responsible for managing the program for the Department and a senior official of each military department to be responsible for managing the program for such department.

"(c) Energy efficiency goals. The goal of the energy efficiency program shall be to achieve reductions in energy consumption by facilities of the Department of Defense as follows:

"(1) In the case of industrial and laboratory facilities, reductions in the average energy consumption per square foot of such facilities, per unit of production or other applicable unit, relative to energy consumption in 1990--

"(A) by 20 percent by 2005; and

"(B) by 25 percent by 2010.

"(2) In the case of other facilities, reductions in average energy consumption per gross square foot of such facilities, relative to energy consumption per gross square foot in 1985--

"(A) by 30 percent by 2005; and

"(B) by 35 percent by 2010.

"(d) Strategies for improving energy efficiency. In order to achieve the goals set forth in subsection (c), the Secretary shall, to the maximum extent practicable--

"(1) purchase energy-efficient products, as so designated by the Environmental Protection Agency and the Department of Energy, and other products that are energy-efficient;

"(2) utilize energy savings performance contracts, utility energy-efficiency service contracts, and other contracts designed to achieve energy conservation;

"(3) use life-cycle cost analysis, including assessment of life-cycle energy costs, in making decisions about investments in products, services, construction, and other projects;

"(4) conduct energy efficiency audits for approximately 10 percent of all Department of Defense facilities each year;

"(5) explore opportunities for energy efficiency in industrial facilities for steam systems, boiler operation, air compressor systems, industrial processes, and fuel switching; and

"(6) retire inefficient equipment on an accelerated basis where replacement results in lower life-cycle costs.

"(e) Reporting requirements. Not later than January 1, 2002, and each January 1 thereafter through 2010, the Secretary shall submit to the congressional defense committees the report required to be prepared by the Secretary pursuant to section 303 of Executive Order 13123 (*64 Fed. Reg. 30851*; *42 U.S.C. 8251* note) regarding the progress made toward achieving the energy efficiency goals of the Department of Defense."

**Transfer of appropriations under heading "Operation and Maintenance, Defense-Wide" for increasing energy and water efficiency in Federal buildings.** Act Dec. 30, 2005, P.L. 109-148, Div A, Title VIII, § 8054, 119 Stat. 2710, provides: "Appropriations available under the heading 'Operation and Maintenance, Defense-Wide' for the current fiscal year and hereafter for increasing energy and water efficiency in Federal buildings may, during their period of availability, be transferred to other appropriations or funds of the Department of Defense for projects related to increasing energy and water efficiency, to be merged with and to be available for the same general purposes, and for the same time period, as the appropriation or fund to which transferred."

Similar provisions were contained in Act Aug. 5, 2004, P.L. 108-287, Title VIII, § 8058, 118 Stat. 983.

**Utilization of fuel cells as back-up power systems in Department of Defense operations.** Act Oct. 17, 2006, P.L. 109-364, Div A, Title III, Subtitle F, § 358, 120 Stat. 2164, provides: "The Secretary of Defense shall consider the utilization of fuel cells as replacements for current back-up power systems in a variety of Department of Defense operations and activities, including in telecommunications networks, perimeter security, individual equipment items, and remote facilities, in order to increase the operational longevity of back-up power systems and stand-by power systems in such operations and activities."

**Energy efficiency in weapons platforms; policy.** Act Oct. 17, 2006, P.L. 109-364, Div A, Title III, Subtitle F, § 360(a), 120 Stat. 2164, provides:

"It shall be the policy of the Department of Defense to improve the fuel efficiency of weapons platforms, consistent with mission requirements, in order to--

- "(1) enhance platform performance;
- "(2) reduce the size of the fuel logistics systems;
- "(3) reduce the burden high fuel consumption places on agility;
- "(4) reduce operating costs; and
- "(5) dampen the financial impact of volatile oil prices."

#### Interpretive Notes and Decisions:

Former *10 USCS* § 2865 does not require that competitive procedures be used, or even that maximum practicable competition be sought, and does not specify how agency is to go about choosing firms for negotiation; only relevant restriction is that, once agency decides with whom to negotiate, firms must be on list in effect at time of that decision; thus, with respect to agency's selection of firms from that list, agency's discretion is broad and subject only to test of reasonableness. *Strategic Resource Solutions Corporation (3/9/98) Comp. Gen. Dec. No. B-278732, 1998 US Comp Gen LEXIS 62.*

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*10 USCS § 2912*

§ 2912. Availability and use of energy cost savings

(a) Availability. An amount of the funds appropriated to the Department of Defense for a fiscal year that is equal to the amount of energy cost savings realized by the Department, including financial benefits resulting from shared energy savings contracts entered into under section 2913 of this title [*10 USCS § 2913*], shall remain available for obligation under subsection (b) until expended, without additional authorization or appropriation.

(b) Use. The Secretary of Defense shall provide that the amount that remains available for obligation under subsection (a) and the funds made available under section 2916(b)(2) of this title [*10 USCS § 2916(b)(2)*] shall be used as follows:

(1) One-half of the amount shall be used for the implementation of additional energy conservation measures at buildings, facilities, or installations of the Department of Defense or related to vehicles and equipment of the Department, which are designated, in accordance with regulations prescribed by the Secretary of Defense, by the head of the department, agency, or instrumentality that realized the savings referred to in subsection (a).

(2) One-half of the amount shall be used at the installation at which the savings were realized, as determined by the commanding officer of such installation consistent with applicable law and regulations, for--

(A) improvements to existing military family housing units;

(B) any unspecified minor construction project that will enhance the quality of life of personnel;

or

(C) any morale, welfare, or recreation facility or service.

(c) Treatment of certain financial incentives. Financial incentives received from gas or electric utilities under section 2913 of this title [*10 USCS § 2913*] shall be credited to an appropriation des-

ignated by the Secretary of Defense. Amounts so credited shall be merged with the appropriation to which credited and shall be available for the same purposes and the same period as the appropriation with which merged.

(d) Congressional notification. The Secretary of Defense shall include in the budget material submitted to Congress in connection with the submission of the budget for a fiscal year pursuant to section 1105 of title 31 [*31 USCS § 1105*] a separate statement of the amounts available for obligation under this section in that fiscal year.

**HISTORY:**

(Added Oct. 17, 2006, P.L. 109-364, Div B, Title XXVIII, Subtitle E, § 2851(a)(1), 120 Stat. 2491.)

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**\*\*\* CURRENT THROUGH P.L. 110-3, APPROVED 2/8/2007 \*\*\***

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*10 USCS § 2913*

§ 2913. Energy savings contracts and activities

(a) Shared energy savings contracts.

(1) The Secretary of Defense shall develop a simplified method of contracting for shared energy savings contract services that will accelerate the use of these contracts with respect to military installations and will reduce the administrative effort and cost on the part of the Department of Defense as well as the private sector.

(2) In carrying out paragraph (1), the Secretary of Defense may--

(A) request statements of qualifications (as prescribed by the Secretary of Defense), including financial and performance information, from firms engaged in providing shared energy savings contracting;

(B) designate from the statements received, with an update at least annually, those firms that are presumptively qualified to provide shared energy savings services;

(C) select at least three firms from the qualifying list to conduct discussions concerning a particular proposed project, including requesting a technical and price proposal from such selected firms for such project; and

(D) select from such firms the most qualified firm to provide shared energy savings services pursuant to a contractual arrangement that the Secretary determines is fair and reasonable, taking into account the estimated value of the services to be rendered and the scope and nature of the project.

(3) In carrying out paragraph (1), the Secretary may also provide for the direct negotiation, by departments, agencies, and instrumentalities of the Department of Defense, of contracts with shared energy savings contractors that have been selected competitively and approved by any gas or electric utility serving the department, agency, or instrumentality concerned.

(b) Participation in gas or electric utility programs. The Secretary of Defense shall permit and encourage each military department, Defense Agency, and other instrumentality of the Department of Defense to participate in programs conducted by any gas or electric utility for the management of energy demand or for energy conservation.

(c) Acceptance of financial incentive, goods, or services. The Secretary of Defense may authorize any military installation to accept any financial incentive, goods, or services generally available from a gas or electric utility, to adopt technologies and practices that the Secretary determines are in the interests of the United States and consistent with the energy performance goals for the Department of Defense.

(d) Agreements with gas or electric utilities.

(1) The Secretary of Defense may authorize the Secretary of a military department having jurisdiction over a military installation to enter into agreements with gas or electric utilities to design and implement cost-effective demand and conservation incentive programs (including energy management services, facilities alterations, and the installation and maintenance of energy saving devices and technologies by the utilities) to address the requirements and circumstances of the installation.

(2) If an agreement under this subsection provides for a utility to advance financing costs for the design or implementation of a program referred to in that paragraph to be repaid by the United States, the cost of such advance may be recovered by the utility under terms no less favorable than those applicable to its most favored customer.

(3) Subject to the availability of appropriations, repayment of costs advanced under paragraph (2) shall be made from funds available to a military department for the purchase of utility services.

(4) An agreement under this subsection shall provide that title to any energy-saving device or technology installed at a military installation pursuant to the agreement vest in the United States. Such title may vest at such time during the term of the agreement, or upon expiration of the agreement, as determined to be in the best interests of the United States.

(e) Congressional notification of cancellation ceiling for energy savings performance contracts.

When a decision is made to award an energy savings performance contract that contains a clause setting forth a cancellation ceiling in excess of \$ 7,000,000, the Secretary of Defense shall submit to the appropriate committees of Congress written notification of the proposed contract and of the proposed cancellation ceiling for the contract. The notification shall include the justification for the proposed cancellation ceiling. The contract may then be awarded only after the end of the 30-day period beginning on the date the notification is received by such committees or, if earlier, the end of the 15-day period beginning on the date on which a copy of the notification is provided in an electronic medium pursuant to section 480 of this *title* [10 USCS § 480].

#### **HISTORY:**

(Added and amended Oct. 17, 2006, P.L. 109-364, Div B, Title XXVIII, Subtitle E, §§ 2851(a)(1), 2853, 120 Stat. 2491, 2496.)

#### **HISTORY; ANCILLARY LAWS AND DIRECTIVES**

Amendments:

2006. Act Oct. 17, 2006, added subsec. (e).



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*10 USCS § 2914*

§ 2914. Energy conservation construction projects

(a) Projects authorized. The Secretary of Defense may carry out a military construction project for energy conservation, not previously authorized, using funds appropriated or otherwise made available for that purpose.

(b) Congressional notification. When a decision is made to carry out a project under this section, the Secretary of Defense shall notify in writing the appropriate committees of Congress of that decision. The project may then be carried out only after the end of the 21-day period beginning on the date the notification is received by such committees or, if earlier, the end of the 14-day period beginning on the date on which a copy of the notification is provided in an electronic medium pursuant to section 480 of this *title* [10 USCS § 480].

**HISTORY:**

(Added Oct. 17, 2006, P.L. 109-364, Div B, Title XXVIII, Subtitle E, § 2851(a)(1), 120 Stat. 2493.)

LEXSTAT 10 USC 2915

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*10 USCS § 2915*

§ 2915. New construction: use of renewable forms of energy and energy efficient products

(a) Use of renewable forms of energy encouraged. The Secretary of Defense shall encourage the use of energy systems using solar energy or other renewable forms of energy as a source of energy for military construction projects (including military family housing projects) where use of such form of energy is consistent with the energy performance goals and energy performance plan for the Department of Defense developed under section 2911 of this title [*10 USCS § 2911*] and supported by the special considerations specified in subsection (c) of such section.

(b) Consideration during design phase of projects.

(1) The Secretary concerned shall require that the design of all new facilities (including family housing) shall include consideration of such form of energy systems using solar energy or other renewable forms of energy.

(2) The Secretary concerned shall require that contracts for construction resulting from such design include a requirement that energy systems using solar energy or other renewable forms of energy be installed if such systems can be shown to be cost effective.

(c) Determination of cost effectiveness.

(1) For the purposes of this section, an energy system using solar energy or other renewable forms of energy for a facility shall be considered to be cost effective if the difference between (A) the original investment cost of the energy system for the facility with such a system, and (B) the original investment cost of the energy system for the facility without such a energy system can be recovered over the expected life of the facility.

(2) A determination under paragraph (1) concerning whether a cost-differential can be recovered over the expected life of a facility shall be made using the life-cycle cost methods and procedures

established pursuant to section 544(a) of the National Energy Conservation Policy Act (42 U.S.C. 8254(a)).

(d) Exception to square feet and cost per square foot limitations. In order to equip a military construction project (including a military family housing project) with heating equipment, cooling equipment, or both heating and cooling equipment using solar energy or other renewable forms of energy or with a passive energy system using solar energy or other renewable forms of energy, the Secretary concerned may authorize an increase in any otherwise applicable limitation with respect to the number of square feet or the cost per square foot of the project by such amount as may be necessary for such purpose. Any such increase under this subsection shall be in addition to any other administrative increase in cost per square foot or variation in floor area authorized by law.

(e) Use of energy efficiency products in new construction.

(1) The Secretary of Defense shall ensure, to the maximum extent practicable, that energy efficient products meeting the requirements of the Department of Defense are used in new facility construction by or for the Department carried out under chapter 169 of this title [10 USCS §§ 2801 et seq.] if such products are readily available and their use is consistent with the energy performance goals and energy performance plan for the Department developed under section 2911 of this title [10 USCS § 2911] and supported by the special considerations specified in subsection (c) of such section.

(2) In determining the energy efficiency of products, the Secretary shall consider products that--

(A) meet or exceed Energy Star specifications; or

(B) are listed on the Federal Energy Management Program Product Energy Efficiency Recommendations product list of the Department of Energy.

#### **HISTORY:**

(Added July 12, 1982, P.L. 97-214, § 2(a), 96 Stat. 166; Oct. 15, 1982, P.L. 97-321, Title VIII, § 801(b)(1), (2), 96 Stat. 1571; Oct. 19, 1984, P.L. 98-525, Title XIV, § 1405(45)(A), 98 Stat. 2625; Dec. 11, 1989, P.L. 101-218, § 8(b), 103 Stat. 1868; Nov. 5, 1990, P.L. 101-510, Div B, Title XXVIII, Part D, § 2852(b), 104 Stat. 1804; April 6, 1991, P.L. 102-25, Title VII, § 701(g)(2), 105 Stat. 115; Oct. 17, 2006, P.L. 109-364, Div B, Title XXVIII, Subtitle E, §§ 2851(b)(1), (3)(A), 2854, 120 Stat. 2494, 2497.)

#### **HISTORY; ANCILLARY LAWS AND DIRECTIVES**

Effective date of section:

This section became effective October 1, 1982, as provided by § 12(a) of Act July 12, 1982, P.L. 97-214, which appears as 10 USCS § 2801 note.

Amendments:

1982. Act Oct. 15, 1982, substituted the section heading for one which read: "§ 2857. Use of solar energy systems"; in subsec. (a), substituted "energy systems using solar energy or other renewable forms of energy" for "solar energy systems" and substituted "such form of energy would" for "solar energy would"; in subsec. (b), in para. (1), substituted "energy systems using solar energy or other renewable forms of energy" for "solar energy systems" and purported to substituted "such form of energy has" for "a solar energy has" but actually substituted "such form of energy has" for "solar energy has" as the probable intent of Congress, and in para. (2), substituted "energy systems using solar energy or other renewable forms of energy" for "solar energy systems"; in subsec. (c), in para. (1), substituted "an energy system using solar energy or other renewable forms of energy" for "a solar energy system" following "section," and substituted "such a system" for "a solar energy system" following "facility with" and following "facility without", respectively, in para. (2)(A), substituted "an energy system using solar energy or other renewable forms of energy" for "a solar energy system", and in para. (3), substituted "energy system using solar energy or other renewable forms of energy" for "solar energy system"; and in subsec. (d), substituted "heating equipment, cooling equipment, or both heating and cooling equipment using solar energy or other renewable forms of energy or with a passive energy system using solar energy or other renewable forms of energy" for "solar heating equipment, solar cooling equipment, or both solar heating and solar cooling equipment, or with a passive solar energy system".

1984. Act Oct. 19, 1984, in subsec. (b)(1), substituted "use of such forms of energy has the potential for" for "use of such form of energy has the potential for".

1989. Act Dec. 11, 1989, in subsec. (b)(1), substituted "reduced energy costs" for "significant savings of fossil-fuel-derived energy".

1990. Act Nov. 5, 1990, in subsec. (c), substituted para. (2) for paras. (2) and (3), which read:

"(2) A determination under paragraph (1) of whether a cost-differential can be recovered over the expected life of a facility shall be made using accepted life-cycle costing procedures and shall include--

"(A) the use of all capital expenses and all operating and maintenance expenses associated with the energy system with and without an energy system using solar energy or other renewable forms of energy over the expected life of the facility or during a period of 25 years, whichever is shorter;

"(B) the use of fossil fuel costs (and a rate of cost growth for fossil fuel costs) as determined by the Secretary of Defense; and

"(C) the use of a discount rate of 7 percent per year for all expenses of the energy system.

"(3) For the purpose of any life-cycle cost analysis under this subsection, the original investment cost of the energy system using solar energy or other renewable forms of energy shall be reduced by 10 percent to reflect an allowance for an investment cost credit."

1991. Act April 6, 1991, in subsec. (c)(2), inserted "(42 U.S.C. 8254(a))".

2006. Act Oct. 17, 2006, transferred this section, enacted as *10 USCS § 2857*, to Chapter 173, and redesignated it as *10 USCS § 2915*; substituted the section heading for one which read: "Use of renewable forms of energy in new facilities"; in subsec. (a), inserted the subsection heading, and substituted "is consistent with the energy performance goals and energy performance plan for the Department of Defense developed under section 2911 of this title and supported by the special considerations specified in subsection (c) of such section" for "would be practical and economically feasible"; in subsec. (b), inserted the subsection heading, and in para. (1), deleted "in those cases in which use of such forms of energy has the potential for reduced energy costs" following "renewable forms of energy"; in subsecs. (c) and (d), inserted the subsection headings; and added subsec. (e).

Other provisions:

**Application of section.** For provisions as to the application of this section, see § 12(a) of Act July 12, 1982, P.L. 97-214, which appears as *10 USCS § 2801* note.

**Application of Oct. 19, 1984 amendment of subsec. (b)(1).** Act Oct. 19, 1984, P.L. 98-525, Title XIV, § 1405(45)(B), 98 Stat. 2625, provides: "The amendment made by subparagraph (A) [amending subsec. (b)(1) of this section] shall take effect as if it had been included in the amendments made by section 801 of Public Law 97-321 [amending this section; see Amendment notes to section].".

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*10 USCS § 2916*

§ 2916. Sale of electricity from alternate energy and cogeneration production facilities

(a) The Secretary of a military department may sell, contract to sell, or authorize the sale by a contractor to a public or private utility company of electrical energy generated from alternate energy or cogeneration type production facilities which are under the jurisdiction (or produced on land which is under the jurisdiction) of the Secretary concerned. The sale of such energy shall be made under such regulations, for such periods, and at such prices as the Secretary concerned prescribes consistent with the Public Utility Regulatory Policies Act of 1978 (*16 U.S.C. 2601 et seq.*).

(b) (1) Proceeds from sales under subsection (a) shall be credited to the appropriation account currently available to the military department concerned for the supply of electrical energy.

(2) Subject to the availability of appropriations for this purpose, proceeds credited under paragraph (1) may be used to carry out military construction projects under the energy performance plan developed by the Secretary of Defense under section 2911(a) of this title [*10 USCS § 2911(a)*], including minor military construction projects authorized under section 2805 of this title [*10 USCS § 2805*] that are designed to increase energy conservation.

(c) Before carrying out a military construction project described in subsection (b) using proceeds from sales under subsection (a), the Secretary concerned shall notify Congress in writing of the project, the justification for the project, and the estimated cost of the project. The project may be carried out only after the end of the 21-day period beginning on the date the notification is received by Congress or, if earlier, the end of the 14-day period beginning on the date on which a copy of the notification is provided in an electronic medium pursuant to section 480 of this title [*10 USCS § 480*].

**HISTORY:**

(Added Aug. 28, 1984, P.L. 98-407, Title VIII, Part A, § 810(a), 98 Stat. 1523; Nov. 30, 1993, P.L. 103-160, Div A, Title XXVIII, Subtitle A, § 2802, 107 Stat. 1884; Nov. 18, 1997, P.L. 105-85, Div A, Title III, Subtitle E, § 371(b)(2), 111 Stat. 1705; Nov. 24, 2003, P.L. 108-136, Div A, Title X, Subtitle D, § 1031(a)(49), 117 Stat. 1602; Oct. 17, 2006, P.L. 109-364, Div B, Title XXVIII, Subtitle E, § 2851(b)(1), (3)(B), 120 Stat. 2494.)

## **HISTORY; ANCILLARY LAWS AND DIRECTIVES**

### References in text:

The "Public Utility Regulatory Policies Act of 1978", referred to in this section, is Act Nov. 9, 1978, P.L. 95-617, 92 Stat. 3117, which appears generally as *16 USCS §§ 2601 et seq.* For full classification of such Act, consult USCS Tables volumes.

### Amendments:

1993. Act Nov. 30, 1993, in subsec. (b), designated the existing provision as para. (1), and added para. (2); and added subsec. (c).

1997. Act Nov. 18, 1997, transferred this section, formerly *10 USCS § 2483*, to Chapter 169 and redesignated it as *10 USCS § 2867*.

2003. Act Nov. 24, 2003, in subec. (c), inserted "or, if earlier, the end of the 14-day period beginning on the date on which a copy of the notification is provided in an electronic medium pursuant to section 480 of this title".

2006. Act Oct. 17, 2006, transferred this section, enacted as *10 USCS § 2867*, to Chapter 173, and redesignated it as *10 USCS § 2916*; and, in subsec. (b)(2), substituted "2911(b)" for "2865(a)".

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*10 USCS § 2917*

§ 2917. Development of geothermal energy on military lands

The Secretary of a military department may develop, or authorize the development of, any geothermal energy resource within lands under the Secretary's jurisdiction, including public lands, for the use or benefit of the Department of Defense if that development is in the public interest, as determined by the Secretary concerned, and will not deter commercial development and use of other portions of such resource if offered for leasing.

**HISTORY:**

(Added July 12, 1982, P.L. 97-214, § 6(c)(1), 96 Stat. 173; Oct. 17, 2006, P.L. 109-364, Div B, Title XXVIII, Subtitle E, § 2851(b)(1), 120 Stat. 2494.)

**HISTORY; ANCILLARY LAWS AND DIRECTIVES**

Effective date of section:

This section became effective Oct. 1, 1982, as provided by Act July 12, 1982, P.L. 97-214, § 12(a), 96 Stat. 176, which appears as *10 USCS § 2801* note.

Amendments:



## 10 USCS § 2917

2006. Act Oct. 17, 2006, transferred this section, enacted as *10 USCS § 2689*, to Chapter 173, and redesignated it as *10 USCS § 2917*.

Other provisions:

**Application of section.** For provisions as to the application of this section, see Act July 12, 1982, P.L. 97-214, § 12(a), 96 Stat. 176, which appears as *10 USCS § 2801* note.

LEXSTAT 10 USC 2918

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\*\*\* CURRENT THROUGH P.L. 110-6, APPROVED 2/26/2007 \*\*\*

TITLE 10. ARMED FORCES  
SUBTITLE A. GENERAL MILITARY LAW  
PART IV. SERVICE, SUPPLY, AND PROCUREMENT  
CHAPTER 173. ENERGY SECURITY  
SUBCHAPTER I. ENERGY SECURITY ACTIVITIES

*10 USCS § 2918*

§ 2918. Fuel sources for heating systems; prohibition on converting certain heating facilities

(a) (1) The Secretary of the military department concerned shall provide that the primary fuel source to be used in any new heating system constructed on lands under the jurisdiction of the military department is the most cost effective fuel for that heating system over the life cycle of the system.

(2) The Secretary of Defense shall prescribe regulations for the determination of the life-cycle cost effectiveness of a fuel for the purposes of paragraph (1).

(b) The Secretary of a military department may not convert a heating facility at a United States military installation in Europe from a coal-fired facility to an oil-fired facility, or to any other energy source facility, unless the Secretary determines that the conversion--

(1) is required by the government of the country in which the facility is located; or

(2) is cost-effective over the life cycle of the facility.

**HISTORY:**

(Added July 12, 1982, P.L. 97-214, § 6(c)(1), 96 Stat. 173; Nov. 14, 1986, P.L. 99-661, Div A, Title XII, Part A, § 1205(a)(1), 100 Stat. 3972; Nov. 18, 1997, P.L. 105-85, Div A, Title X, Subtitle D, § 1041(a), 111 Stat. 1885; Oct. 17, 2006, P.L. 109-364, Div B, Title XXVIII, Subtitle E, § 2851(b)(1), 120 Stat. 2494.)

**HISTORY; ANCILLARY LAWS AND DIRECTIVES**

Effective date of section:

This section became effective Oct. 1, 1982, as provided by Act July 12, 1982, P.L. 97-214, § 12(a), 96 Stat. 176, which appears as *10 USCS § 2801* note.

#### Amendments:

1986. Act Nov. 14, 1986 substituted this section for one which read:

"§ 2690. Restriction on fuel sources for new heating systems

"(a) Except as provided in subsection (b), a new heating system that requires a heat input rate of fifty million British thermal units per hour or more and that uses oil or gas (or a derivative of oil or gas) as fuel may not be constructed on lands under the jurisdiction of a military department.

"(b) The Secretary of the military department concerned may waive the provisions of subsection (a) in rare and unusual cases, but such a waiver may not become effective until after the Secretary has notified the appropriate committees of Congress in writing of the waiver.

"(c) The Secretary of the military department concerned may not provide service for a new heating system in increments in order to avoid the prohibition contained in subsection (a).".

1997. Act Nov. 18, 1997, in subsec. (b), in the introductory matter, substituted "unless the Secretary determines that the conversion--" and paras. (1) and (2) for "unless the Secretary--

"(1) determines that the conversion (A) is required by the government of the country in which the facility is located, or (B) is cost effective over the life cycle of the facility; and

"(2) submits to Congress notification of the proposed conversion and a period of 30 days has elapsed following the date on which Congress receives the notice.".

2006. Act Oct. 17, 2006, transferred this section, enacted as *10 USCS § 2690*, to Chapter 173, and redesignated it as *10 USCS § 2918*.

#### Other provisions:

**Application of section.** For provisions as to the application of this section, see Act July 12, 1982, P.L. 97-214, § 12(a), 96 Stat. 176, which appears as *10 USCS § 2801* note.